

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHANNON R. GOTTSCHALK,

Plaintiff,

vs.

HORNADY MANUFACTURING CO.,

Defendant.

CASE NO. 18:16-cv-146

NOTICE OF REMOVAL
OF CIVIL ACTION

COMES NOW Defendant, Hornady Manufacturing Company (“Hornady”), by and through its undersigned attorneys, and pursuant to 28 U.S.C. § 1441, submits this Notice of Removal of Civil Action (“Notice”), thereby removing this case to the United States District Court for the District of Nebraska. In support of this Notice, Hornady states and alleges as follows:

TIMELINESS OF REMOVAL

1. Hornady has been named as a defendant in a civil action originally filed on March 4, 2016, in the District Court of Lancaster County, Nebraska, entitled Shannon R. Gottschalk v. Hornady Manufacturing Co., Case No. CI 16-743. A true and correct copy of the Summons and Complaint in this action are attached to this Notice as Exhibit A. *[See Doc. No. 1, Ex. A].*

2. Plaintiff served Hornady with the Summons and Complaint on or about March 10, 2016.

3. This Notice, filed within thirty days of Hornady’s receipt of the Summons and Complaint, is timely under 28 U.S.C. § 1446(b).

BASIS FOR JURISDICTION

4. This Court has original jurisdiction over this action under the provisions of 28 U.S.C. § 1331 in that Plaintiff’s action alleges claims arising under federal law, specifically the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et. seq.,

including the ADA Amendments Act of 2008; and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e. [*See Doc. No. 1, Ex. A: Complaint, ¶¶ 1, 2, 23, 26, 29, 32, 35, 38*].

5. This Court has supplemental jurisdiction, pursuant to 28 U.S.C. § 1367(a), over all other claims alleged by Plaintiff that are based on state law.

6. Written notice of the filing of this Notice will be given to Plaintiff promptly after the filing of this Notice, as is required by law.

7. A true and correct copy of this Notice will be filed with the Clerk of the District Court of Lancaster County, Nebraska, as is required by law.

8. By filing this Notice, Hornady consents to removal of this case to the United States District Court for the District of Nebraska.

9. By filing this Notice, Hornady does not waive any denials, defenses, affirmative claims, counterclaims, or third-party claims that may be available to Hornady.

WHEREFORE, Defendant Hornady Manufacturing Company hereby removes the above-captioned case from the District Court of Lancaster County, Nebraska, to the United States District Court for the District of Nebraska.

Dated April 7, 2015.

HORNADY MANUFACTURING
COMPANY, Defendant

By: s/ Tara A. Stingley
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2016, a true and correct copy of the foregoing was served upon counsel of record to Plaintiff by United States first class mail to the following:

Vincent M. Powers
Vincent M. Powers & Associates
411 South 13th Street, #300
Lincoln, NE 68508

s/ Tara A. Stingley

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